

AGENDA

Tuesday, July 10, 2012

Public Services Committee

\*4:30 PM

Carnegie Town Hall

235

West 10th Street

\* This meeting will start after the conclusion of the 4:00 p.m. Informational Meeting.

1. Call To Order
  
2. Review and approval of minutes dated June 12, 2012
3. False Alarm Ordinance by Doug Barthel, Chief of Police
  
4. Distracted Driving Ordinance by Michelle Erpenbach, City Council Chair; and Sue Aguilar, City Council Member
  
5. Open Discussion
  
6. Adjournment

Date: 2012-07-10  
SIRE Meeting ID: 1737  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/GGo-FbKETfQ>  
Agenda Item: Not Assigned  
Item ID: 63317

The following document(s) are public records obtained from the  
City of Sioux Falls.

**These minutes are considered 'draft' until approved at the next meeting.**

# MINUTES

Tuesday, June 12, 2012

**Public Services Committee**

4:45 PM

Carnegie Town Hall  
235 West 10<sup>th</sup> Street



**Members Present:** Council Member Sue Aguilar, Council Member Kenny Anderson Jr., and Council Member Michelle Erpenbach

**Members Absent:** Council Member Dean Karsky

**Staff Present:** Tamara Jorgensen, CMC, Assistant City Clerk

**Guests:** Cheryl Rath, Greg Boris, Jim Entenmann, Laurie Cressman, Perry Schempp, Jon Pederson, Michael Coole, Bob Kappel, David Pfeifle, Keith Allenstein, Aimee Ladonski, Dick Gregerson, Rex Rolwing, Greg Jamison, Jonathan Ellis, Kermit Staggers, Jeanne Gerkin, and Gerald Gerkin

## 1. **Call To Order**

Committee Chair Anderson Jr. called the meeting to order at 4:45 p.m.

## 2. **Review and approval of Minutes dated May 8, 2012**

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve the minutes. Anderson Jr. called for a voice vote and all members present voted yes. **Motion Passed.**

## 3. **Naming Rights Ordinance by Darrin Smith, Director of Community Development**

Smith distributed a copy of an Ordinance of the City of Sioux Falls, SD, amending the revised ordinances of the city by expanding Article VII of Chapter 2 regarding naming of facilities. Community Development is looking to improve the ordinance by making it more comprehensive and put some rules in place to serve as a guide for everyone to follow when a name change is requested for a public building (inside/outside), streets, parks, or when wanting to commemorate something.

Smith stated the review process started a few months ago with the assistance of the City Attorney's Office in assessing what other cities and counties do for naming rights ordinances. Smith stated that they found several examples. The one that he thought would be more compatible with the City of Sioux Falls was an ordinance that is used in Omaha, NE. Smith stated the draft ordinance distributed is a duplicate of the ordinance from Omaha with only a few tweaks to make it more applicable and appropriate for the

City of Sioux Falls. The draft ordinance was reviewed with discussion regarding the following sections:

Sec. 2-70 Purpose "this article is not intended to govern the naming of an interior space in a building or a smaller individual structure within a larger named complex";

Sec. 2-71 City naming committee "(a) Planning director (who shall serve as chairperson)" and "A member listed in subsections (a) through (f) above may, in his/her absence, be represented at a meeting of the committee by his/her authorized designee." Smith stated the designee section may need to be revised.

Sec. 2-72 Application; Smith added the following: "All terms and conditions of proposed naming or renaming, including all financial and other relevant terms, must be disclosed";

Sec. 2-73 Planning department review; no additional comments.

Sec. 2-74 City council member review; This section is structured differently than the Omaha ordinance in that it would require the individual Council Member to review the application.

Smith stated that the ordinance is comprehensive, thorough, and provides a number of processes to go through. When someone makes an application to name a street or a facility (external or internal), parks, libraries, fire station, police departments, this ordinance will allow for a fully vetted procedure to follow and implement. He stated that the City Council would have final approval.

Smith suggested that a small work group be put together to review the ordinance. This ordinance will impact a number of departments and public facilities that are managed by private 3rd parties. Although a lot of work has already been done, the group could review the language and make improvements where needed or necessary before bringing it to the City Council for their review and approval. He recommended working with the outside facilities that are impacted and get their input as well. Smith recommended, with the Committee's permission, the work group include: himself, a representative from Planning, Public Works, Parks and Recreation, the Library, Council Member Anderson Jr., and Jim David. Smith stated that the City Attorney's Office would support the group through this process.

Aguilar asked if there have been any discussions with the groups that will be affected by the proposed changes. Smith stated they have been working through new agreements and have made references to this being a current issue that does need to be addressed and resolved. Aguilar asked if the small work group would put together a proposal and then take it to those groups. Smith stated his thoughts are that the work group would invite each of these outside entities to review this information and discuss concerns,

suggestions, etc. Smith stated that he has started to receive input from all of the other city departments regarding this topic. After the work group has started, he would like to reach out to the other organizations affected by the ordinance and request their input. The final step would be to bring the ordinance before the City Council for their review and adoption.

Anderson Jr. asked Smith to give an update on the reasons for the ordinance revisions. Smith provided a brief history of activity in the past that has necessitated the review. He stated there have been examples of things being sponsored inside public facilities that, while they were done with the best interests in mind for the facility, they may not have been fully vetted in advance. Smith stated that facilities managed by the taxpayers need to be managed appropriately.

A motion was made by Council Member Michelle Erpenbach to defer this item until the work group is ready to come back to the committee with more input. Council Member Sue Aguilar seconded the motion. All members present voted yes. **Motion Passed.**

#### **4. Distracted Driving Ordinance Alternatives**

Aguilar stated there are three draft ordinance possibilities for the distracted driving topic. She stated that Jim David, Legislative/Operations Manager, and Keith Allenstein, Assistant City Attorney, have been reviewing legislation from other municipalities and states. Three ordinance examples discussed were: 1) Texting Ban; 2) Handheld Ban where texting is prohibited and is a primary offense; and 3) Handheld Ban - Texting Under 18 (texting is prohibited along with the ban of the use of hand held in school and construction zones for all of those that are 18 years or younger).

Aguilar stated the City Attorney's Office has requested that we include in the ordinance some 'clean up' language to the speed zone information in Section 40-138. Discussion followed.

Erpenbach stated that all of the options are great. She stated that David has conducted research on the states around us and found that every state that touches South Dakota (except for Montana) has some form of legislation banning hand held devices or texting. She stated that the main issue in South Dakota comes down to enforcement. Erpenbach stated that the final ordinance may be a combination of the three proposals. In order to make the ordinance easier to enforce, they need to make it a primary offense. Discussion was held whether it would be a ban on texting or on any 'hand held' device and what constitutes 'distracted' driving.

Erpenbach stated that David also conducted research regarding studies. There are conflicting studies on whether or not this type of legislation works. She stated that the statistical numbers are down in states where legislation has been enacted in the past. She cited specific information from the California Office of Traffic Safety regarding accidents and collisions.

Aguilar asked Allenstein, for clarification on the proposed ordinance. She noted that the ordinance includes bicycles. Allenstein stated that David had come up with the initial language and it included bicycles. Allenstein kept some of the language in there, knowing this language can be removed if needed.

Aguilar asked about the proposed legislation that was received from the study group from the state. Discussion was held regarding their proposed changes regarding drivers that have an instruction's permit. Allenstein stated that the proposed changes are directed to the less experienced drivers. Erpenbach spoke about the upcoming legislation coming from the Federal Transportation Secretary regarding a National Distracted Driving Initiative. She explained that part of the initiative is if your state does not have some form of law regarding distracted driving, you could lose federal dollars. Erpenbach would like to see us move forward with this item.

Anderson Jr. stated he would like to review this item at the next Public Services Committee Meeting (July 10, 2012). Aguilar stated that she would like to have David in attendance as he conducted a lot of research on the proposed ordinances. Anderson Jr. would like the City Attorney's Office to review the proposed language with the state committee to ensure our direction is the same as the state. Anderson Jr. stated that this is more of an issue than just for inexperienced drivers and he would like it to be discussed further.

Aguilar asked if the Chair wanted additional information from the committee members. Anderson Jr. asked if the committee could work with the group that brought the distracted driving issue forward and solicit their input on the three proposed changes. Aguilar stated that Mr. Lauer had reviewed the information and had sent an email regarding the three proposals. Anderson Jr. would like him to be present at the next meeting.

Public comments were taken at this time:

Greg Boris, South Dakota Voices for Children, spoke regarding the need for a distracted driving ordinance. He stated that the state group that is meeting in Pierre is the Safe Teen Driving Task Force and he stated it has nothing to do with texting or adults. It comes from legislation that was passed by the 2011 Legislature requesting a review in reducing traffic deaths and injuries for teens. He stated that the work of this task force does not apply to adults. He thanked the committee for working on this item.

Dick Gregerson stated he was very interested in getting something done because this is a problem that most states have dealt with, and we have not. He spoke regarding 'primary' and 'secondary' offenses. He encouraged the committee and the City Council to make distracted driving a primary offense. Gregerson stated he serves as Chairman for the South Dakota Highway Commission and keeping work areas on the highways safe is a real problem. People do not pay attention

to the speed limits in these areas.

Anderson Jr. asked Patti Lyon, Assistant Chief of Police, about the enforcement portion of this proposed ordinance and if making it a primary offense would make it easier for officers to write tickets. Lyon stated it would be easier to make the traffic stop because you wouldn't have to wait for the driver to make a driving offense to pull them over. Anderson Jr. asked if there was place on the tickets to mark the distracted driving and/or how to modify the tickets. Lyon stated that careless driving is already used on the tickets.

Erpenbach recommended that this item come back to the committee on July 10, 2012, as one ordinance and with the stipulation that it would be written with distracted driving as a primary offense.

Council Member Michelle Erpenbach made a motion as stated above and it was seconded by Council Member Aguilar. All members present voted yes. **Motion Passed.**

#### **5. Concealed Weapons Ordinance by Keith Allenstein, Assistant City Attorney**

Allenstein reviewed a power point presentation regarding concealed weapons. Discussion was held regarding reference in Section 26-51 to: "any pistol or other firearm", "razor", and "or any instrument or device which when used is likely to produce death or great bodily harm".

John Snyder, Director of Sales and Marketing for 605magazine, spoke regarding pocket knives. He has received inquiries from citizens and he has done some research on the ordinance. Discussion followed.

Allenstein discussed the differences between state law and the city ordinance in 9-19-20. Allenstein discussed the terminology in the ordinance that makes it a crime for citizens to have certain instruments or devices in their possession but also explained the need for the broad language.

Allenstein reviewed the proposed solutions needed to the ordinance in Section 26-51. Discussion was held regarding if 'hunting knives' fall under the 'concealed weapon' description.

- 1(a)-prohibited per se (except those with CW permits)
- 1(b)-catchall but must be customarily a dangerous weapon or intended for use
- 1(c)-employment duties exception
- 1(d)-self defense exception
- (2) CW permit exception
- (3) pocket knife exception
- (4) own house exception
- (5) peace officer exception

Anderson Jr. recommended that this subject move to an Informational Meeting so the public has another chance to hear the information before it is moved on to a City Council Meeting.

City Council Michelle Erpenbach made the motion as indicated above and Council Member Sue Aguilar seconded the motion. All members present voted yes. **Motion Passed.**

**6. Chapter 18 Ordinance Revisions: Recycling Standardization by Bob Kappel, Environmental Manager**

Bob Kappel, Environmental Manager, reviewed a PowerPoint presentation with the committee. Discussion was held regarding the following topics: the timeline for the recycling standardization schedule; source separated vs. single stream recycling; selection of single stream recycling; Solid Waste Planning Board information; definitions for the ordinance revision; recycling container criteria; residential recycling; multi-housing recycling; standardized collection; collection labeling; loading; and recommendations.

Public testimony was taken at this time:

Perry Schempp, Marv's Sanitary of Sioux Falls, asked the committee if arrangements could be made for the ordinance to become effective in two to three months at a minimum. This would allow his business, and other garbage hauler businesses, additional time to prepare for the changes. Examples: increasing their staff and the number of trucks they will need.

Laurie Cressman, Advanced Recycling, thanked everyone for their assistance in improving recycling. She stated that she did not want the changes to jeopardize the quality of recycling. Cressman stated she has a concern with recycling glass in the single stream. After touring facilities that handle recycling, she had received advice from the facilities stating that glass should be kept out of the single stream recycling. Glass creates problems with equipment, safety and contamination with paper and cardboard products. She stated that facilities in Minnesota do not allow glass in with their single stream recycling.

Erpenbach asked if this item was ready to be presented to the full City Council and asked if it needed to be deferred to the next Public Services Committee Meeting.

Kappel stated that glass was a problem. He stated that Section 18-21 would address the glass problem. He stated that his department is ready to move forward with this item.

Anderson Jr. asked Kappel for an update on the timeline. Anderson Jr. asked if the changes could be made effective after the first of the year to allow the haulers additional time to prepare. Kappel stated they had surveyed the haulers and learned that they



would need between three months to a year to make the switch.

Council Member Michelle Erpenbach made a motion to move this item to an Informational Meeting and then move forward to the full City Council. Aguilar seconded the motion. All members present voted yes. **Motion Passed.**

**7. Open Discussion**

There was none.

**8. Adjournment**

Committee Chair Anderson Jr. adjourned the meeting at 6:48 p.m.

Tamara Jorgensen, CMC  
Assistant City Clerk

Date: 2012-07-10  
SIRE Meeting ID: 1737  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/GGo-FbKETfQ>  
Agenda Item: Not Assigned  
Item ID: 63319

The following document(s) are public records obtained from the  
City of Sioux Falls.

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING ARTICLE II OF CHAPTER 23 AND ARTICLE VII OF CHAPTER 26 OF THE REVISED ORDINANCES OF SIOUX FALLS, SD.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

*Section 1. That Section 23-26, Article II, of Chapter 23 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:*

**Sec. 23-26. Licenses issued by police department.**

The following licenses shall be issued by the police department:

- (1) Vehicle for hire driver (city transit drivers are exempt from this requirement).  
Annual fee (to be collected every twelve (12) months following the original date of purchase).....\$35.00
- (2) Airport authority security officer.  
Annual fee.....50.00
- (3) Alarm installation and/or monitoring company.  
Application fee.....75.00  
Annual fee.....35.00

*Section 2. That Section 26-130, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:*

**Sec. 26-130. DefinitionsPurpose.**

~~[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~*Alarm system monitoring company means any person that monitors security alarm systems and reports activation of alarm systems to the police.*~~

~~*Alarm user* means any person that owns or leases a security alarm system or on whose premises a security alarm system is maintained.~~

~~*Automatic dialing telephone alarm* means a security alarm system with a device that automatically dials the police department emergency assistance telephone lines without human activation of the device by the alarm user.~~

~~*Chief of police* means the chief of police of the city.~~

~~*Department* means the Sioux Falls Police Department.~~

~~*Dispatch or response* means a discretionary decision whether to direct police units to a location where there has been a request, made by whatever means, for police assistance or investigation. There is no duty to dispatch under any circumstances, including to answer an alarm signal, and all dispatch decisions are made subject to competing priorities and available police resources.~~

~~*False alarm* means an alarm signal causing notice to and response by the police when there is no evidence of a crime or other activity that warrants a call for immediate police assistance. It also means that no person who was on or near the property or has viewed a video communication from the property called for the police dispatch or confirmed the need for police assistance. "False alarm" does not include an alarm signal caused by weather or other causes beyond the control of the alarm user.~~

~~*Security alarm system* means any device for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by the system that may be activated by sensors or other techniques and, when activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside of the protected premises and is intended to summon police assistance.~~

~~*Verification process* means an independent method for determining that a signal from a security alarm system requires immediate police response.~~

A. The purpose of this article is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

B. This article governs alarm systems intended to summon law enforcement response, and establishes fees, provides for civil penalties for violations, establishes a system of administration, and sets conditions for suspension of police response.

**Section 3. That Section 26-131, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:**

**Sec. 26-131. ~~Audible alarm standards, nonconforming uses~~Administration.**

~~A security alarm system that emits an audible signal that may be heard outside of the protected premises shall automatically discontinue emitting the audible sound within ten minutes after activation of the alarm. All security alarm systems in the city shall comply with this requirement not later than January 1, 2003.~~

- A. Responsibility for administration of this article is vested with the chief of police.
- B. The chief of police shall designate an alarm administrator to carry out the duties and functions described in this article.
- C. The alarm administrator may conduct an annual evaluation and analysis of the effectiveness of this article, and may identify and implement system improvements, as warranted.

**Section 4. That Section 26-132, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:**

**Sec. 26-132. ~~Automatic dialing telephone systems prohibited~~Definitions.**

~~No person shall install, maintain, operate or assist in the operation of any alarm system with an automatic dialing or digital alarm feature that automatically calls the police in the event of an alarm.~~

In this article, the following terms and phrases shall have the following meanings:

Alarm administrator means a person or persons designated by the chief of police to administer, control, and review false alarm reduction efforts and administer the provisions of this article.

Alarm dispatch request means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm installation company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system in an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

Alarm response manager (ARM) means a person designated by an alarm installation company to handle alarm issues for the company, and act as the primary point of contact for the jurisdiction’s alarm administrator.

Alarm site means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person, who (which) has contracted for monitoring, repair, installation, or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained, or repaired under contract.

Alarm user awareness class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems, and the problems created by false alarms.

Arming station means a device from which the alarm system is turned "on" (armed) and "off" (disarmed).

Audio verification means the transfer of sounds from the protected premises to the monitoring company, as a result of activation of one (1) or more devices, to confirm or deny the validity of the alarm signal.

Automatic voice dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio, or other communication system to a law enforcement, public safety, or emergency services agency requesting dispatch.

Cancellation means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

Chief of police means the chief of police of the city or his/her designee.

Conversion means the transaction or process by which one (1) alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

Duress alarm means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

Enhanced call verification (ECV) is a monitoring procedure requiring that a minimum of two (2) calls be made prior to making an alarm dispatch request. The two (2) calls must be made to different phone numbers where a responsible party can typically be reached.

False alarm means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

Government facility means any alarmed location where the primary owner, operator, renter, or lessee is the city of Sioux Falls, county of Minnehaha, state of South Dakota, agency of the United States, or public school district.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress, or immediately after it has occurred.

Law enforcement authority means the chief of police, director, or other authorized representative of a law enforcement agency.

License means a license issued by the city of Sioux Falls to an alarm installation company and monitoring company to sell, install, monitor, repair, or replace alarm systems.

Local alarm system means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

Monitoring company means a person in the business of providing monitoring services.

One plus duress alarm means the manual activation of a silent alarm signal by entering a code at an arming station that adds one (1) number higher to the **last** digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

Other electronic means is the real-time audio/video surveillance of an alarm site by the monitoring company by means of devices that permit either the direct, live listening-in, or viewing of an alarm site or portions thereof.

Panic alarm means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Person means an individual, corporation, partnership, association, organization, or similar entity.

Responder means an individual capable of reaching and having access to the alarm site, the code to the alarm system, and the authority to approve repairs to the alarm system.

Robbery alarm—See holdup alarm.

SIA/ANSI control panel standard CP-01 means the SIA—Security Industry Association, American National Standard Institute approved—SIA CP-01 control panel standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices, to reduce the incidence of false

alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 control panel standard features for false alarm reduction.”

Suspension of response means the termination of police response to alarms at a specified alarm site as a result of false alarms or other violation of the alarm article.

Take over means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

Telephone verification—See verify.

Verify means an attempt by the monitoring company to determine the validity of an alarm signal prior to initiating an alarm dispatch request.

Video verification means the transfer of video images to the monitoring company reflecting conditions existing at the protected premises at the time an alarm was activated through the use of video technology.

Zone means the capability of an alarm system to separate and report incidents or alarms by area. (Example: zone 1—front door contact; zone 2—front entry motion detector).

***Section 5. That Section 26-133, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:***

**Sec. 26-133. ~~Alarm users.~~ Duties of the alarm user.**

~~An alarm user shall:~~

- ~~(1) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms.~~
- ~~(2) Review all alarm system operating instructions, including those for verification of an alarm.~~
- ~~(3) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm.~~
- ~~(4) Physically go to the site of the alarm when an alarm has been falsely activated and police have responded.~~

A. An alarm user shall:

1. Provide to the alarm user’s monitoring company the names and telephone numbers of at least two (2) individuals who are able and have agreed to: (a) receive notification of an alarm system activation at any time; (b) respond to the alarm site immediately; and (c) upon request, can grant access to the alarm site and deactivate the alarm system if necessary.



2. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms.
  3. Make every reasonable effort to have a responder to the alarm system's location immediately when requested by the law enforcement agency in order to:
    - a. Deactivate an alarm system.
    - b. Provide access to the alarm site.
    - c. Provide alternative security for the alarm site.
  4. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
- B. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten (10) minutes after being activated.
- C. An alarm user shall have a licensed alarm installation company inspect the alarm system after two (2) false alarms in a one- (1-) year period. The alarm administrator may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four (4) false alarms within a one- (1-) year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false alarm-resistant and provide additional user training as appropriate.
- D. An alarm user shall not use automatic voice dialers.
- E. An alarm user shall maintain, at each alarm site, a set of written operating instructions for each alarm system.
- F. This section applies to all individuals and firms who have installed and/or monitor their own alarm system.

***Section 6. That Section 26-134, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:***

**Sec. 26-134. ~~Alarm system monitoring companies.~~ Duties of alarm installation company and monitoring company.**

An alarm system monitoring company shall:

- ~~(1) Obtain all necessary business licenses as required by the city and State of South Dakota.~~
- ~~(2) Maintain a current record, accessible to the chief of police at all times, that includes: the names of the alarm users serviced by the company; the addresses of the protected properties; the type of alarm system, original installation date and subsequent modifications, if any, for each protected property; and a record of the false alarms at each property.~~

- ~~(3) Provide the chief of police such information as the chief requests regarding: the nature of the company's security alarm; the company's method of monitoring the alarms; the company's program for preventing false alarms, including educational programs for alarm users; and the company's method for disconnecting audible alarms.~~
  - ~~(4) Provide each of the alarm system users with: operating instructions for the alarm system, including an explanation of the alarm company's alarm verification process; a telephone number to call for assistance in operating the system; and a summary of the provisions of this code relating to penalties for false alarms and the possibility of no police response to alarm systems experiencing excessive false alarms.~~
  - ~~(5) Maintain a verification process for all monitored security alarm systems.~~
  - ~~(6) Communicate requests for police response to the department in a manner specified by the chief.~~
  - ~~(7) Communicate requests for cancellations of police response in a manner specified by the chief.~~
  - ~~(8) Maintain a record of all requests for police response to an alarm, including: the date and time of the alarm and request for police response; the alarm system user's name and address; evidence of the company's attempt to verify the alarm; and, to the best of its knowledge, an explanation of the cause of any false alarm.~~
  - ~~(9) Work cooperatively with the alarm system user and the chief to determine the cause of any false alarm and to prevent recurrences.~~
- A. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off, and to avoid false alarms.
  - B. Upon the effective date of this article, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. The alarm installation company shall remove the one plus duress alarm feature from alarm systems whenever an alarm technician is at the alarm site or otherwise accessing the panel for reprogramming purposes.
  - C. Upon the effective date of this article, alarm installation companies shall not install a device to activate a holdup alarm, which is a single-action, nonrecessed button.
  - D. Upon enactment of this article, the alarm installation companies shall use only SIA/ANSI control panel standard CP-01-listed alarm control panels on all new installations and panel replacements or upgrades.
  - E. An alarm installation or monitoring company shall not use automatic voice dialers.

F. After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user a customer false alarm prevention checklist, or an equivalent checklist, approved by the alarm administrator.

G. A monitoring company shall:

1. Report alarm signals by using telephone numbers designated by the alarm administrator.
2. Verify, by means of enhanced call verification, every alarm signal, except a duress or holdup alarm activation before initiating an alarm dispatch request.
3. Communicate alarm dispatch requests in a manner and form determined by the alarm administrator.
4. Communicate cancellations in a manner and form determined by the alarm administrator.
5. Ensure that all alarm users of alarm systems equipped with a duress, holdup, or panic alarm are given adequate training as to the proper use of the duress, holdup, or panic alarm.
6. Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request.
7. Communicate nature of alarm (i.e., burglary, robbery, panic, duress, silent, audible, interior, or perimeter).
8. Maintain the names and telephone numbers of at least two (2) individuals who are able and have agreed to: (a) receive notification of an alarm system activation at any time; (b) respond to the alarm site immediately; and (c) upon request, can grant access to the alarm site and deactivate the alarm system if necessary.
9. After an alarm dispatch request, promptly advise the law enforcement agency if the monitoring company knows that the alarm user or the responder is on the way to the alarm site.
10. Attempt to contact the alarm user or responder within twenty-four (24) hours via mail, fax, telephone, or other electronic means when an alarm dispatch request is made.
11. Upon the effective date of this article, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address, and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request, and evidence of an attempt to verify. The alarm administrator may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request.

If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

H. An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the alarm administrator of such purchase and provide details as may be reasonably requested by the alarm administrator.

I. Each alarm installation company and alarm monitoring company must designate one (1) individual as the alarm response manager (ARM) for the company who will manage alarm-related issues and act as the point of contact for the alarm administrator. The appointed individual must be knowledgeable of the general provisions of the article, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the alarm administrator. The name, phone number, and email address of the designated ARM must be provided to the alarm administrator.

J. An alarm installation company and/or monitoring company shall provide the alarm administrator with customer information and any other information required to be kept pursuant to this article in a format acceptable to the alarm administrator, upon request, to assist the alarm administrator in his/her duties under this article after an alarm dispatch request has occurred.

K. Alarm installation companies shall provide timely training and continuing education requirements, if applicable, for alarm company employees which would include training on false alarm prevention.

***Section 7. That Section 26-135, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:***

**Sec. 26-135. ~~Security alarm verification process required~~ License or licensing.**

~~No person shall maintain a verification process which requires more than five minutes, calculated from the time that the alarm company receives the alarm signal until the alarm company determines whether to request a police dispatch. Verification shall be by at least one of the following:~~

- ~~(1) The establishment of voice communications with the alarm user or a person authorized by the user at or near the premises with the alarm who may indicate whether there is an immediate need for police response.~~
- ~~(2) A feature that permits the alarm user or a person authorized by the user to send a special signal to the alarm company that will cancel the alarm immediately after the alarm has been sent and prevent the alarm company from calling the police.~~
- ~~(3) The installation of a video system that provides the alarm company with the ability to ascertain whether activity is occurring that warrants immediate police response when the alarm signal is received.~~

~~(4) A confirmation that an alarm signal reflects a need for immediate police response from either the alarm user or a person authorized by the user or an alternate response agency made before dispatching the police.~~

~~(5) An alternate system as approved by the chief.~~

A. All alarm installation companies and monitoring companies shall obtain, and thereafter maintain, a valid and unexpired license as established in Chapter 23 of the Revised Ordinances of Sioux Falls, SD.

B. All alarm installation companies and monitoring companies shall obtain from the alarm administrator a license which authorizes the company to install and monitor alarm systems.

C. The initial application fee for a license and annual renewal fee for the license shall be in the amount as set forth in Chapter 23, Article II, of the Revised Ordinances of Sioux Falls, SD. The annual renewal date, and the date upon which the annual renewal fee is due, shall be December 31 of each year, regardless of when the company originally registered. By November 1 of each year, the alarm administrator shall send a letter to all companies notifying them that the renewal fee is due. The original license fee and renewal license fee being charged shall be used in part to help defray expenses for mailings, notices, registrations, forms, and other costs associated with the administration of the licensing. Payment of all license fees and renewals shall be submitted to the alarm administrator and be made payable to the city of Sioux Falls and be deposited into the general fund of the city of Sioux Falls.

D. Application for license:

All applications for a license required by this article shall be made on forms designated by the alarm administrator and shall include at least the following information:

1. The full name and address of the alarm installation company or monitoring company.

2. The full name, business address, and home address of the manager or person to be contacted at the company.

3. A telephone number at which the Sioux Falls Police Department and other law enforcement agencies can notify personnel of the company of a need for assistance at any time.

4. The names and addresses of all alarm agents employed by the company.

E. A minimum of \$10,000.00 surety bond, in a form approved by the city of Sioux Falls, guaranteeing the faithful and honest conduct of business under the license running in favor of the city and customers of the applicant.

F. A company shall promptly notify the alarm administrator, in writing, of any change in the information contained in the registration form.

G. It is a violation of this chapter for any company, who is otherwise required to obtain a license, to knowingly install or monitor an alarm system without obtaining such a license.

H. Penalty for violation of this section:

A company, or other person, or entity violating this section shall be subject to a civil penalty as provided in Section 26-137.

I. A company's license shall be personal to the company holding the license and is not transferable.

J. Issuance: Denial of license:

1. The alarm administrator will issue a license provided for by this article to an applicant, or renew a license, if applicable, when the following conditions of the applicable licensing provisions have been fully satisfied:

a. All application requirements have been met, including any criminal history background checks.

b. All fees have been paid in full.

c. No grounds for denial listed in this section exist.

2. The alarm administrator may deny a license or deny the renewal of a license if, at the time of the filing of an original application or a request for renewal, the licensing authority has reasonable grounds to believe that an applicant, licensee, or person employed by an alarm dealer to install, service, sell, or otherwise deal with alarms:

a. Has had a preliminary criminal history check reveal that an applicant, licensee, or person employed by an alarm dealer to install, service, sell, or otherwise deal with alarms, has been convicted of any felony, or any offense not constituting a felony but which, because of its nature, would render the installer a security risk, or any offense involving moral turpitude within the last five- (5-) year period as determined by the chief of police or his/her designee.

b. Has prepared or filed an application or request for renewal which contains any false or misleading information, submitted false or misleading information in support of such application or request, or failed or refused to make full disclosure of all information required by this article.

c. Has had a license relating to alarm businesses or agents, as applicable, or a license of similar character issued by the authority of another city, suspended, canceled, or revoked within the five- (5-) year period immediately preceding the date of the filing of the application.

d. Has violated an applicable provision of this article, code, city ordinance, rule, or regulation, or state law, or has committed any act which, if committed by a licensee, would be grounds for the denial or revocation of a license pursuant to this article.

3. Notice shall be given of any denial of a license application, or a request for renewal, in writing, and either by hand delivery or by mail, to the address of record. The notice shall include the reasons for denial of the license or license renewal. If a license is denied, the applicant may appeal through the procedures established by the administrative code provisions of this code.

K. The provisions of Chapter 23, insofar as the provisions may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this article.

*Section 8. That Section 26-136, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:*

**Sec. 26-136. ~~Unlawful activation or report of alarm~~ Duties and authority of the alarm administrator.**

~~(a) No person shall activate a security alarm system for the purpose of summoning the police except in the event of an unauthorized entry, robbery, or if the person needs immediate assistance in order to avoid injury or serious bodily harm.~~

~~(b) Any person who shall notify the police of an activated alarm and have acknowledged that such activation was apparently caused by an electrical or other malfunction shall at the same time notify the police of the apparent malfunction~~

A. The alarm administrator shall:

1. Designate a manner, form, and telephone numbers for the communication of alarm dispatch requests.

2. Establish a procedure to accept cancellation of alarm dispatch requests.

B. The alarm administrator shall establish a procedure to record information obtained by the city on alarm dispatch requests necessary to permit the alarm administrator to maintain records, which may include, but is not limited to, the information listed below:

1. Identification of the alarm site.

2. Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator name or number.

3. Date and time of law enforcement officer arrival at the alarm site.

4. Zone and zone description, if available.

5. Weather conditions.
  6. Name of alarm user's representative at alarm site, if any.
  7. Identification of the responsible alarm installation company or monitoring company.
  8. Whether law enforcement officer was unable to locate the address of the alarm site.
  9. Cause of alarm signal, if known.
- C. The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:
1. The date and time of law enforcement response to the false alarm.
  2. The identification number of the responding law enforcement officer.
  3. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting civil penalties.
- D. The alarm administrator may require a conference, with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system, to review the circumstances of each false alarm. For these purposes, the alarm company must have a designated contact on record with the alarm administrator. (See alarm response manager.)
- E. The alarm administrator may create and implement an alarm user awareness class. The alarm administrator may request the assistance of associations, alarm companies, and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid generating false alarms.
- F. The alarm administrator may require an alarm user to remove a holdup alarm device that is a single-action, nonrecessed button, or have it replaced with an acceptable dual-action or recessed device after the occurrence of a false holdup alarm.
- G. The alarm administrator may require an alarm user to remove the duress or panic alarm capability from their alarm system after the occurrence of a false alarm.
- H. The alarm administrator will make a copy of this article and/or an article summary sheet available to the alarm user.



*Section 9. That Section 26-137, Article VII, of Chapter 26 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:*

**Sec. 26-137. ~~Determination of false alarm, rebuttable presumption~~ Civil penalties.**

~~For the purpose of this article, there is a rebuttable presumption that the following determinations made by the chief of police or by a police officer dispatched to the premises reporting an alarm signal are correct:~~

- ~~(1) There is no evidence of a crime or other activity that would warrant a call for immediate police assistance at the premises.~~
- ~~(2) No individual who is on or near the premises who has viewed a video communication from the premises called for a police dispatch or verified a need for an immediate police response.~~
- ~~(3) There is no evidence that weather or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.~~

A. An alarm user shall be subject to civil penalties, depending on the number of false alarms within a consecutive twelve- (12-) month period, based on the following schedule:

1. False alarm civil penalties:

| <u>Description</u>                   | <u>Civil penalty</u> |
|--------------------------------------|----------------------|
| <u>1st false alarm</u>               | <u>\$0.00</u>        |
| <u>2nd false alarm</u>               | <u>\$50.00</u>       |
| <u>3rd false alarm</u>               | <u>\$100.00</u>      |
| <u>4th false alarm or subsequent</u> | <u>\$200.00</u>      |

B. Any alarm event occurring within three (3) days of the installation of an alarm system shall not constitute a false alarm for purposes of determining whether a civil penalty shall be assessed.

C. An alarm user may have the option of attending an alarm user awareness class, if applicable, in lieu of paying one (1) prescribed civil penalty.

D. The alarm user shall be issued a civil penalty of \$100 for each failure to comply with Sections 26-133(A)(1) or 26-133(A)(3) of this article.

E. If cancellation of an alarm dispatch request occurs prior to law enforcement arriving at the scene, no false alarm will be assessed. However, if the alarm dispatch request results from a panic, duress, or holdup signal, policy response will not be terminated regardless of cancellation, and a false alarm will be assessed.

- F. The alarm installation company shall be assessed a civil penalty of \$100.00 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.
- G. The monitoring company shall be issued a civil penalty of \$100.00 for each failure to verify alarm system signals as specified in Section 26-134.G.2.
- H. The alarm installation company shall be issued a civil penalty of \$200.00 if the alarm administrator determines that an alarm installation company employee knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.
- I. The alarm installation company and/or monitoring company shall be assessed a civil penalty of \$100.00 for the first offense, and \$200.00 for each subsequent offense, for operating without a license as required by Section 26-135.
- J. Notice of the right of appeal under this article will be included with any civil penalty.

*Section 10. That Chapter 26, Article VII, of the Revised Ordinances of Sioux Falls, SD, is hereby amended by adding a new section to be numbered as follows:*

**Sec. 26-138. Notification.**

The alarm administrator shall notify the alarm user, in writing, after the second or subsequent false alarm. The notification shall include the amount of the civil penalty for the false alarm, notice that the alarm user can attend, if applicable, an alarm user awareness class to waive a civil penalty, the fact that response may be suspended after six (6) false alarms, excluding duress, holdup, and panic alarms, and a description of the appeals procedure available to the alarm user.

The alarm administrator will notify the alarm user and the alarm installation company or monitoring company in writing thirty (30) days before the alarm response is to be suspended. This notice of suspension will also include the amount of the civil penalty for each false alarm, and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

*Section 11. That Chapter 26, Article VII, of the Revised Ordinances of Sioux Falls, SD, is hereby amended by adding a new section to be numbered as follows:*

**Sec. 26-139. Suspension of response.**

- A. The alarm administrator may suspend law enforcement response to an alarm site if it is determined that:
  - 1. The alarm user has six (6) or more false alarms in a consecutive twelve- (12-) month period.

2. The alarm user has failed to make timely payment of a civil penalty assessed under Section 26-137.
  3. The alarm user has failed to submit a written certification from an alarm installation company that complies with the requirements of this article stating that the alarm system has been inspected and repaired (if necessary), and/or additional training has been conducted by the alarm installation company.
  4. The alarm user has failed to comply with any other duties as set forth in Section 26-133.
  5. The alarm user, alarm installation company, or monitoring company may appeal the decision to suspend response according to the procedure set forth in the Revised Ordinances of Sioux Falls, SD, Chapter 2, Article VI, Section 2-60 et. sequence of this code.
- B. Unless there is separate indication that there is a crime in progress, the law enforcement authority may refuse law enforcement response to an alarm dispatch request at an alarm site for which law enforcement response has been suspended by the alarm administrator.

*Section 12. That Chapter 26, Article VII, of the Revised Ordinances of Sioux Falls, SD, is hereby amended by adding a new section to be numbered as follows:*

**Sec. 26-140. Appeals.**

- A. If the alarm administrator assesses a civil penalty, the alarm administrator shall send written notice of the action, and a statement of the right to an appeal, to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.
- B. The alarm user, alarm installation company, or monitoring company may appeal assessment of a civil penalty through the procedures established by the administrative code provisions of this code according to the procedure set forth in the Revised Ordinances of Sioux Falls, SD, Chapter 2, Article VI, Section 2-60 et sequence of this code.
- C. Filing of a request for appeal shall stay the action by the alarm administrator requiring payment of a civil penalty while the appeal is pending.
- D. The alarm administrator, board, or hearing examiner may adjust the count of false alarms based on:
  1. Evidence that a false alarm was caused by circumstances beyond the control of the alarm user.
  2. Evidence that a false alarm was caused by action of the telephone company.
  3. Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours.
  4. Evidence that the alarm dispatch request was not a false alarm.

5. Evidence that the law enforcement officer response was not completed in a timely fashion.
  6. In determining the number of false alarms, multiple alarms occurring in any twenty-four- (24-) hour period shall be counted as one (1) false alarm to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.
- E. With respect to civil penalties of an alarm installation company or monitoring company, the alarm administrator, board, or hearing examiner may take into consideration whether the alarm company had engaged in a consistent pattern of violations.

***Section 13. That Chapter 26, Article VII, of the Revised Ordinances of Sioux Falls, SD, is hereby amended by adding a new section to be numbered as follows:***

**Sec. 26-141. Exceptions.**

- A. The provisions of this chapter shall not apply to temporary alarm systems used by the department or other public law enforcement agencies for investigative or protective purposes.
- B. Government facilities.
1. Government facilities, as defined in Section 26-132, are subject to the following special rules:
    - a. No civil penalty shall be charged for police response(s) to false alarms at government facilities.
    - b. Government facilities are exempt from having police response suspended.
  2. To qualify for the special rules and exemptions under this section, an alarm site must meet the following criteria:
    - a. The site is located within the municipal boundaries of the city of Sioux Falls.
    - b. The site meets the criteria as defined in Section 26-132, government facility.
  3. Upon four (4) responses to a false alarm in any consecutive twelve- (12-) month period, a responsible party for the government alarm site shall meet with the alarm administrator and present a false alarm abatement plan.
  4. The alarm administrator may make any other special rules and exceptions as are deemed necessary to ensure that appropriate protection and accountability is maintained at government sites.

*Section 14. That Chapter 26, Article VII, of the Revised Ordinances of Sioux Falls, SD, is hereby amended by adding a new section to be numbered as follows:*

**Sec. 26-143. Government immunity.**

This article is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.

*Section 15. That Chapter 26, Article VII, of the Revised Ordinances of Sioux Falls, SD, is hereby amended by adding a new section to be numbered as follows:*

**Sec. 26-144. Severability.**

The provisions of this article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Date: 2012-07-10  
SIRE Meeting ID: 1737  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/GGo-FbKETfQ>  
Agenda Item: Not Assigned  
Item ID: 63615

The following document(s) are public records obtained from the  
City of Sioux Falls.

DRAFT VERSION

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 40 TO RESTRICT THE USE OF WIRELESS COMMUNICATION DEVICES AND AMENDING THE ESTABLISHMENT OF SPEED ZONES.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

*Section 1. That Section 40-1 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:*

**Section 40-1. Definitions.**

*Electronic communication device* means wireless or cellular phones, PDAs, BlackBerries, smartphones, MP3 players, laptop or notebook computers utilizing VoIP (Voice-over Internet Protocol) technology, wireless and cellular phones utilizing push-to-talk technology, GPS systems, navigational systems, and any other mobile communication device that uses short wave analog or digital radio transmission between the device and a transmitter to permit wireless communications to and from the user of the device.

*Electronic message* means a self-contained piece of digital communication that is designed or intended to be transmitted between two physical devices. An electronic message includes, but is not limited to, email, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.

*Section 2. That Section 40-138 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:*

**Section 40-138. Establishment of speed zones.**

- (a) The city traffic engineer, unless otherwise determined by the city council, is authorized and empowered to determine and establish upon any street or highway within the city or any part thereof, limited speed zones which speed limit shall constitute the maximum speed at

which any person may drive or operate any vehicle upon such zoned street or highway or portion thereof so zoned, and on which street or highway the maximum speed permissible in such zone has been conspicuously posted by signs adopted by the city council.

- (b) The beginning of such limited speed zones shall be indicated by signs showing the speed limits.
- (c) The city traffic engineer may establish limited speed zones through street or highway work areas. The beginning and end of the immediate work area shall be conspicuously posted with signs showing the maximum speed permissible. Any fine for a violation of these speed limits while workers are present shall be double the usual fine for speeding, but may not exceed the maximum fine for violation of a city ordinance. Signs showing that any fine will be double the usual speeding fine shall be erected in advance of the regulatory speed limit signs.

*Section 3. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 40-236.1 to read:*

**Section 40-236.1. Prohibition on use of electronic message.**

- (a) No person may operate a motor vehicle while using an electronic communication device to compose, read, or send an electronic message when the vehicle is in motion or a part of traffic.

*Section 4. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 40-236.3 to read:*

**Section 40-236.2. Exceptions on use of electronic communication devices and electronic message.**

- (a) In the reasonable belief that a person's life or safety is in immediate danger.
- (b) In an emergency vehicle while in the performance of official duties.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk